

RECORD OF PROCEEDINGS

Minutes of

Meeting

DARTON LEGAL BLANK INC., FORM NO. 10148

Held 4-2

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CITY OF CANAL FULTON CITY COUNCIL MEETING MINUTES April 2, 2013

CALL TO ORDER

Mayor Richard Harbaugh called the April 2, 2013 City Council Meeting to order at 7:00pm in Council Chambers, City Hall, Canal Fulton, Ohio.

PLEDGE OF ALLEGIANCE

ROLL CALL

Mayor Richard Harbaugh, Council Members Nellie Cihon, Sue Mayberry, Scott Svab and Linda Zahirsky.

Paul Bagocius and Danny Losch were absent this meeting.

A motion was made by Linda Zahirsky to excuse Danny Losch and Paul Bagocius, second by Nellie Cihon. All Council Members present voted yes. Motion approved.

Others Present: Fire Chief Ray Durkee, Chief Doug Swartz, Service Director Dan Mayberry, Engineer Bill Dorman and Council Clerk Teresa Dolan.

Others Present: Joan Porter, Earl Minks, Terry Cyphert, James Deans, Mikeal and Laura Stevens, Anthony Lumppp, Daniel Snodgrass, Ashley Hoover, Chell Rossi, Matthew Baldwin, Ray Green, Debbie Green, Sean Green and Sherry Stevens.

REPORTS OF STANDING COMMITTEES - None

CITIZENS' COMMENTS – AGENDA MATTERS (Five Minutes per Individual – No Yield) - None

Swearing In Firefighter/EMS Personnel

A motion was made by Linda Zahirsky to swear in Sean Green, Anthony Lumppp, Dan Snodgrass and Mike Stevens as part time fire personnel, second by Scott Svab. All Council Members present voted yes. Motion approved.

Fire Chief Ray Durkee introduced each person and pointed out some of their achievements. Mayor Harbaugh then swore the personnel in as part time fire personnel.

CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS

March 19, 2013

A motion was made by Linda Zahirsky to approve the March 19, 2013 Council meeting minutes. Second by Nellie Cihon.

Sue Mayberry asked that a correction be made to page one. Remove the motion to excuse Danny Losch, he was present at the March 19, 2013 meeting.

All Council Members present voted yes. Motion approved.

REPORTS OF ADMINISTRATIVE OFFICERS

Senior Citizens - No Report

Community Service Coordinator – No Report

Fire Chief

Chief Ray Durkee thanked Council and the Mayor for swearing in new personnel. Chief Durkee reported that the Living Together Arrangement was going well at this point. The Explorers program is going well and is beneficial to the City for hiring new personnel. The Chief also reported that there

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was an Open House that was well received and the Explorers also held a Pancake Breakfast which was a success.

Police Chief

Chief Douglas Swartz gave the department's condolences to Law Director Scott Fellmeth and the passing of his father Eugene Fellmeth. Chief Swartz announced that the department would like to put together a plaque to honor Mr. Fellmeth as well as other Veterans in the town.

Chief Swartz reported that the schools are willing to participate in the SRO program. The schools would like to have an officer in place at the opening of the next school year, which is August 19, 2013. A Civil Service Test would be required for the position. The Chief asked for a Public Safety Committee to discuss the SRO and it was stated that there was a meeting previously scheduled for April 16, 2013 at 6:00pm and that this could be discussed then.

Engineer/Streets/Public Utilities

Engineer Bill Dorman reported that his office is working on the Cherry/Locust Street project presently and that proposals were received. He will be reviewing those. Mr. Dorman then stated that the Portage/Locust Street Rehabilitation and Resurfacing project will be advertised for bid in the middle of May.

Service Director Written Report was included in the packet. Service Director Dan Mayberry reported that there would be a purchase order at the next Council meeting to Southern Sales Co. for approximately \$53,124.00 for the enclosure of the phosphorous removal system.

Finance Director

The February Financial Report was included in the Council Packet.

A motion was made to accept the February Financial Report by Linda Zahirsky, second by Nellie Cihon. All Council Members present voted yes. Motion approved.

Finance Director James Goffe reported that the advertisement had been posted in the Canton Repository, and on the Ohio Municipal League website. The deadline for applications was April 19, 2013.

Mr. Goffe handed out a report on donations for the Police Department K9, Bishop. He stated that he will be sending out letters for donations coming in as receipts for tax purposes. March Income tax was down .29% versus last year. This is due to income tax returns coming in more slowly.

Mr. Goffe also reported on the payments for the Senior Center Tennis Court electric. There is money to be remitted and is a little less than \$2,000. Mrs. Zahirsky stated it was too bad we didn't have lights at the Dog Park.

City Manager

Written Report was included in the Council Packet.

City Manager reported that there were eight proposals from engineering firms for the Cherry/Locust intersection project. He will be giving them to Mr. Dorman for review. A committee still needs to be appointed to conduct the interviews on the proposals. Mr. Cozy stated that he would like at least two Council people on the committee. Mrs. Mayberry said that it was indicated that someone be on the committee from the Public Service committee. Scott Svab said he was interested. Mark Cozy said he also knew that Mr. Bagocius had expressed interest also.

Mr. Cozy passed a handout in regards to Lawrence Township under is Stark County Council of Governments Agreement to work with Canal Fulton Street Department to share equipment and manpower for roadwork. This is huge for both the City and the Township. Both street superintendents have been discussing the issue of saving money by collaborating working together. Initially the Township would run the chip and seal and the City would truck the materials. This seems like an advantage to both communities. Mr. Cozy asked for a voice motion to begin collaborating with the Lawrence Township.

Mrs. Mayberry asked if there was any exchange of finances. Mr. Cozy said no nothing at this point. Mrs. Mayberry asked if this was just a matter of putting their heads together to see what needs

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done. Mr. Cozy said the Township is willing to let the two street superintendents work out how they are going to collaborate. Mr. Cozy said it was a really good plan.

A motion was made by Sue Mayberry that the City of Canal Fulton reciprocates the shared equipment and manpower for road work in both Canal Fulton and Lawrence Township, Second by Scott Svab. All Council Members present voted yes. Motion approved.

Mr. Cozy said in light of that, we had an annexation petition that has been tabled for the Canal Lands II. He would encourage Council, even though there were two Council people absent tonight, that he would strongly encourage Council to bring that off of the table and to vote it down. Mr. Cozy said he thought the Township Trustees had put their best foot forward. This annexation has been an obstacle to us negotiating on good faith to collaborate. We still have a grant pending for shared services for shared services with our Police Departments. Mr. Cozy said he would love to see the annexation voted down. He would encourage getting the annexation of the table and having Council vote against it.

Report of Mayor

Property Acquisition Executive Session – Mayor Harbaugh stated that he would like to have an executive session on property acquisition at the end of the meeting.

Parks & Recreation Board – No Report

Law Director

Mr. Fellmeth stated that the Ohio Board of Building Standards has approved the Canal Fulton Building Department.

Mrs. Mayberry asked about the couple pieces of legislation on the agenda for first readings. She wanted to know if there were public hearings done on those. Mr. Fellmeth said that the public hearing is scheduled afterwards. It should be scheduled after introduction. Any zoning change has to have three readings and a public hearing. No exceptions. The hearing can be scheduled for the same day as the third meeting. Mrs. Mayberry asked if it was not done during a Planning Commission. Mrs. Zahirsky said no, it does have to be done in Council. Mr. Fellmeth said the Planning Commission makes a recommendation to Council. Council then acts on the recommendation and schedules a public hearing which usually coincides with the Council meeting.

THIRD READINGS

SECOND READINGS

Resolution 12-13: A Resolution by the Council of the City of Canal Fulton Ohio Authorizing the City to Enter into a Contract to Rent the Hatfield Parking Lot.

Resolution 13-13: A Resolution by the Council of the City of Canal Fulton Ohio to Enter into an Agreement with the Canal Fulton Heritage Society for Canal Boat Operations.

FIRST READINGS

A motion was made to bring Ordinance 11-13 off the table, second by Scott Svab. All Council Members present voted yes. Motion approved.

A motion was made to amend Ordinance 11-13 to include the language as written in regards to landowners giving approval for signs to be placed in yards for an auction by Linda Zahirsky, second by Sue Mayberry. Scott Svab asked where he could get information at in regards to the code. Linda Zahirsky said she could tell Mr. Svab. All Council Members present voted yes. Motion Approved.

Ordinance 11-13: An Ordinance Amending the Codified Ordinances of the Zoning Code of the City of Canal Fulton Ohio to Amend Chapter 1181.02(e) and Create Chapter 1181.02(f) Permitted Signs and Repealing and Ordinances Therewith.

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Ordinance 12-13: An Ordinance Amending the Codified Ordinances of the Zoning Code of the City of Canal Fulton Ohio to Amend Chapter 1187.22 Fences, Walls and Hedges and repealing any Ordinances in Conflict Therewith.

Scott Fellmeth stated the only thing that was being done with Ordinance 12-13 was a requirement that a fence had to be ten percent lighter air gaps in a fence. Mrs. Zahirsky stated the reason that it was done was due to a fence could not be purchased like that it would have to be custom built. Mr. Fellmeth said the reason the issue was coming up in the first place was that there was a neighborhood dispute where a privacy fence went up and a resident is mad about it. It's basically a privacy issue.

P.O.s

P.O. 7737: to Shamrock Company in the amount of \$3,945.32 to print 2012 Final Return Packets.

A motion was made by to approve Purchase Order 7737 by Nellie Cihon, second by Scott Svab. All Council Members present voted yes. Motion approved.

BILLS – February Bills \$407,963.73

A motion to accept the February Bills was made by Linda Zahirsky, second by Nellie Cihon. All Council Members present voted yes. Motion approved.

OLD/NEW/OTHER BUSINESS

A motion was made to remove the probation for the Police Chief affective April 3, 2013, Second by Scott Svab. All Council Members present voted yes. Motion approved.

REPORT OF PRESIDENT PRO TEMPORE

Linda Zahirsky stated that she and Nellie Cihon went to Public Meeting and Records training. During your four year term, you are required to attend at least one meeting. Mrs. Zahirsky brought back a copy of the 2013 Yellow Book.

Mr. Goffe stated that the training must be approved by the Attorney General's office, and he encouraged all members to attend. The approved trainings can be found on the Attorney General's website.

Mrs. Zahirsky also asked about another tree in the small dog park. Mrs. Zahirsky said she would like to see if she could get donations possible from the people who utilize the park. She asked for suggestions on what kind of tree to get.

REPORT OF SPECIAL COMMITTEES - No reports.

CITIZENS COMMENTS – Open Discussion (Five Minute Rule)

A motion was made by to adjourn to executive session at 8:00am to discuss the purchase of real, personal, tangible or intangible property by Linda Zahirsky, second by Sue Mayberry. All Council Members voted yes. Motion approved.

A motion was made by Sue Mayberry to return to public session at 8:07pm, second by Nellie Cihon. All Council Members present voted yes. Motion approved.

ADJOURNMENT

The meeting was adjourned at 8:08pm.